

shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than \$50.

(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed \$3,000.

(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

(1) the average monthly civilian income of the member; and

(2) the member's total monthly military compensation.

(e) DEFINITIONS.—In this section:

(1) The term “average monthly civilian income”, with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

(2) The term “total monthly military compensation” means the amount, computed on a monthly basis, of the sum of—

(A) the amount of the regular military compensation (RMC) of the member; and

(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.

(f) REGULATIONS.—This section shall be administered under regulations to be prescribed by the Secretary of Defense.

(g) TERMINATION.—No payment shall be made to a member under this section for months beginning after December 31, 2010, unless the entitlement of the member to payments under this section commenced on or before that date.

(Added Pub. L. 109-163, div. A, title VI, §614(a), Jan. 6, 2006, 119 Stat. 3292; amended Pub. L. 110-181, div. A, title VI, §604, Jan. 28, 2008, 122 Stat. 145; Pub. L. 110-417, [div. A], title VI, §605, Oct. 14, 2008, 122 Stat. 4483; Pub. L. 111-84, div. A, title VI, §611(7), Oct. 28, 2009, 123 Stat. 2352.)

AMENDMENTS

Subsec. (g). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (a). Pub. L. 110-181, §604(a), inserted before period at end of first sentence “, when the total monthly military compensation of the member is less than the average monthly civilian income of the member”.

Subsec. (b). Pub. L. 110-181, §604(b), amended subsec. (b) generally. Prior to amendment, text read as follows: “Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

“(1) completes 18 continuous months of service on active duty under such an order;

“(2) completes 24 months on active duty during the previous 60 months under such an order; or

“(3) is involuntarily mobilized for service on active duty for a period of 180 days or more within six months or less following the member's separation

from a previous period of involuntary active duty for a period of 180 days or more.”

Subsec. (g). Pub. L. 110-417 substituted “December 31, 2009” for “December 31, 2008”.

Pub. L. 110-181, §604(c), amended subsec. (g) generally. Prior to amendment, text read as follows: “No payment shall be made under this section after December 31, 2008.”

EFFECTIVE DATE

Pub. L. 109-163, div. A, title VI, §614(c), Jan. 6, 2006, 119 Stat. 3293, provided that: “Section 910 of title 37, United States Code, as added by subsection (a), may apply only with respect to months beginning after the end of the 180-day period beginning on the date of the enactment of this Act [Jan. 6, 2006].”

CHAPTER 19—ADMINISTRATION

Sec.	
1001.	Regulations relating to pay and allowances.
1002.	Additional training or duty without pay: Reserves and members of National Guard.
1003.	Assimilation of pay and allowances.
1004.	Computation of pay and allowances for month or part of month.
1005.	Army and Air Force: prompt payments required.
1006.	Advance payments.
1007.	Deductions from pay.
1008.	Presidential recommendations concerning adjustments and changes in pay and allowances.
1009.	Adjustments of monthly basic pay.
1010.	Commissioned officers: promotions; effective date for pay and allowances.
1011.	Mess operations: reimbursement of expenses. ¹
1012.	Disbursement and accounting: pay of enlisted members of the National Guard.
1013.	Payment of compensation for victims of terrorism.
1014.	Payment date for pay and allowances.
[1015.]	Repealed.]

AMENDMENTS

2006—Pub. L. 109-364, div. A, title X, §1046(b)(2), Oct. 17, 2006, 120 Stat. 2394, struck out item 1015 “Annual report on effects of recruitment and retention initiatives”.

1999—Pub. L. 106-65, div. A, title VI, §673(a)(2), Oct. 5, 1999, 113 Stat. 674, added item 1015.

1997—Pub. L. 105-85, div. A, title VI, §604(a)(2), Nov. 18, 1997, 111 Stat. 1784, substituted “monthly basic pay” for “compensation” in item 1009.

1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1987—Pub. L. 100-26, §8(b)(2), Apr. 21, 1987, 101 Stat. 285, redesignated item 1013 “Payment date for pay and allowances” as 1014.

1986—Pub. L. 99-500, §101(c) [title IX, §9103(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub. L. 99-591, §101(c) [title IX, §9103(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, added item 1013, relating to payment date for pay and allowances.

Pub. L. 99-399, title VIII, §806(e)(2), Aug. 27, 1986, 100 Stat. 889, added item 1013, relating to payment of compensation for victims of terrorism.

1985—Pub. L. 99-145, title XIII, §1303(b)(13)(C), Nov. 8, 1985, 99 Stat. 741, inserted “: pay of enlisted members of the National Guard” in item 1012.

1982—Pub. L. 97-258, §2(i)(2)(A), Sept. 13, 1982, 96 Stat. 1061, added item 1012.

1980—Pub. L. 96-513, title V, §§506(9), 516(21), Dec. 12, 1980, 94 Stat. 2919, 2939, added items 1010 and 1011 and substituted “Force:” for “Force:” in item 1005.

¹ So in original. Does not conform to section catchline.